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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/017,093	12/13/2001	Markus Klausner	11403/12	6511
26646	7590	11/24/2003	EXAMINER	
KENYON & KENYON ONE BROADWAY NEW YORK, NY 10004			NGUYEN, THU V	
			ART UNIT	PAPER NUMBER
			3661	

DATE MAILED: 11/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

SW

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/017,093		KLAUSNER ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Thu Nguyen		3661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 September 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 and 21-38 is/are pending in the application.
- 4a) Of the above claim(s) 1-19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 December 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
     If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \*    c) ☐ None of:  
         1. ☐ Certified copies of the priority documents have been received.  
         2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
         3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
     \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
     a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>4</u> . | 6) <input type="checkbox"/> Other: _____                                    |

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### **DETAILED ACTION**

The response to the restriction requirement filed on September 22, 2003 is acknowledged. By this response, subcombination group II (claims 21-38) has been elected without traverse. Claims 21-38 are now considered in this application. Claims 1-19, and 21-38 are pending in the application.

#### ***Drawings***

1. The drawings figure 1 is objected to because Fig.1 does not include a "Bluetooth hardware 14" and the "gateway node 15" as disclosed in the specification page 6, lines 18-20.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

#### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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3. Claims 21-22, 27-28, 30-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bosch (US 6,493,629).

As per claim 21-22, 27, Bosch teaches a system for monitoring at least one apparatus comprising: at least one sensor (col.2, lines 40-42; col.3, line 67; col.4, lines 1-2); a gateway node 104 (fig.1) situated in the vehicle; and a processor 126, 130 (fig.1) for communicating with the gateway node 104 (fig.1) using wireless communication protocol (col.2, lines 52-62). Bosch does not explicitly teach a sensor for transmitting error code, and connecting a sensor to the controller via vehicle bus. However, Bosch teaches connecting the gateway node 104 (fig.1) to a vehicle bus 106 (fig.1), further, connecting sensors to a vehicle bus for detecting and sending error code to a controller for tracking the condition of a subsystem would have been well known. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to use the vehicle bus for connecting well known diagnoses sensors to the gateway node 104 (fig.1) of Bosch in order to allow the system to report faulty condition of a subsystem of the vehicle.

As per claim 28, 34, refer to claim 21 above.

As per claim 30-32, 35-37, comparing the error code to a look up table to determines status code to be communicated to a user, and outputting the status code by visual display or audible signal would have been well known.

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As per claim 33, since Bosch teaches a hand-held cellular phone or a laptop computer (col.2, lines 65-67), Bosch inherently teaches implementing a controller to the hand-held computer.

4. Claims 23-26, 29, 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bosch (US 6,493,629) in view of Matsunaga et al (US 6,577,934).

As per claim 23-24, 29, Bosch teaches Bluetooth gateway and bus connection node (col.2, lines 53-58, lines 40-41). Further, Matsunaga teaches using CAN for connecting the gateway node 13 (fig.1) to in-vehicle subsystems (col.5, lines 1-23; col.8, lines 12-67; col.9, lines 1-20). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to configure the vehicle bus of Bosch to receive data using the well known CAN protocol taught by Matsunaga in order to allow the gateway node of Bosch to interface with the well known in-vehicle communication network.

As per claim 25-26, 38, Matsunaga teaches an engine system apparatus 10 (fig.1). Further interrogating an apparatus for error code when a user request diagnostic procedure to be conducted would have been well known.

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***Cited Prior Arts***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
- a. Smith et al (US 6,380,890) teaches an in vehicle network 108, 109 (fig.1) including bus and wireless communication interface (col.3).
  - b. Underwood et al (US 5,508,594) teaches connecting sensors to a controller via system bus (col.10, lines 45-48).
  - c. Bochmer et al (US 5,892,927) teaches connecting different modules via vehicle bus (col.2, lines 44-65).

**Any response to this action should be mailed to:**

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**or faxed to:**

(703) 305-7687, (for formal communications intended for entry)

**Or:**

(703) 305-7687 (for informal or draft communications, please label

"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park V, 2451 Crystal Drive, Arlington, VA., Seventh Floor (Receptionist).

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Nguyen whose telephone number is (703) 306-9130. The examiner can normally be reached on Monday-Thursday from 8:00 am to 6:00 pm ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Cuchlinski, can be reached on (703) 308-3873. The fax phone number for this Group is (703)305-7687 .

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703)308-1111.



**THU V. NGUYEN**  
**PRIMARY EXAMINER**

November 12, 2003